

CR15-00707-PHX-SRB

STEFAN VERDUGO

2-19-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, )  
 )  
 Plaintiff, )  
 ) CR15-00707-PHX-SRB  
 vs. ) Phoenix, Arizona  
 ) February 19, 2016  
 Abdul Malik Abdul Kareem, )  
 )  
 Defendant. )  
 )  
 )  
 )

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL's - DAY #4  
TESTIMONY: STEFAN VERDUGO

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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record, spelling your first and last name.

THE WITNESS: Stefan. S-T-E-F-A-N. Last name Verdugo. V as in Victor E-R-D-U-G-O.

THE COURT: Would you please come over here and take a seat on the witness stand.

MR. KOEHLER: Good afternoon.

THE WITNESS: Good afternoon.

MR. KOEHLER: Can you adjust the microphone a little closer?

THE COURT: Maureen will do it. I'm going to adjust the microphone and ask you to speak directly into it. Maybe down a little bit. Thank you, Maureen.

We'll test it by telling the ladies and gentlemen of the jury your name.

THE WITNESS: My name is Stefan Verdugo.

**STEFAN VERDUGO, WITNESS, SWORN**

**DIRECT EXAMINATION**

BY MR. KOEHLER:

Q How old are you, Mr. Verdugo?

A Twenty-five.

Q Now, you are here in court. You're wearing clothing a little different from the rest of us here in the courtroom.

Are you in custody somewhere else?

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1 A Yes.

2 Q What custody are you in?

3 A County.

4 Q And are you facing charges over there in Maricopa County?

5 A Yes.

6 Q What are the charges you're facing?

7 A Sexual assault, kidnapping, sex trafficking, pimping and  
8 pandering, receiving the earnings of a prostitute, unlawful  
9 imprisonment, and aggravated assault.

10 Q Are any of those charges related in any way to the case  
11 that's going on in the courtroom here?

12 A No.

13 Q I'll circle back to that in a little while.

14 Do you know an individual by the name of Abdul Malik  
15 Abdul Kareem?

16 A Yes.

17 Q Is that person here in the courtroom today?

18 A Yes.

19 Q Can you please point him out and describe his clothing to  
20 the best of your ability.

21 A He is in a blue button-up shirt, collared.

22 MR. KOEHLER: May the record reflect the witness has  
23 identified the defendant Abdul Malik Abdul Kareem?

24 THE COURT: And is he the gentleman that's seated  
25 between the two lawyers -- the gentleman who just stood up.

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1 THE WITNESS: Yes.

2 THE COURT: Yes, it may.

3 BY MR. KOEHLER:

4 Q Did you know him by a different name?

5 A Yes.

6 Q What's the name by which you knew him?

7 A Well, Decarus Thomas.

8 Q And you know him by a nickname?

9 A D.

10 Q How long have you known him?

11 A Since I was 14.

12 Q And, again, how old are you now?

13 A I'm 25.

14 Q So approximately eleven years; is that right?

15 A Yes.

16 Q How did you meet him?

17 A Through a friend, mutual friend.

18 Q Okay. And when you met him, did you go to work with him?

19 A Yes.

20 Q Where did you work?

21 A We would move furniture together and then we worked at --  
22 he would take me to work with him at Northwest Professional  
23 Assemblers which is like in Fry's and we would assemble stuff.

24 Q And did you spend a lot of time with him from that point  
25 forward?

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1 A Yeah. We spent a lot of time together.

2 Q And did you live with him for a period of time?

3 A Yes.

4 Q Can you tell us what years approximately that you lived  
5 with him?

6 A From like -- off and on from like 2002 to 2004, 2005,  
7 beginning of 2005.

8 Q How old were you in 2002?

9 A Twenty-two.

10 THE COURT: Did you mean 2012?

11 THE WITNESS: Oh, yes, my bad. 2012.

12 BY MR. KOEHLER:

13 Q To what? 2015?

14 A To 2015.

15 Q Okay. I was trying to figure that out.

16 During the time that you came to know him and live  
17 with him, did you learn where he was from?

18 A Yes.

19 Q Where was he from?

20 A From Philadelphia.

21 Q Were you living with him when he converted to Islam?

22 A I believed he was always Islam, just he got more into his  
23 religion.

24 Q Do you remember about what time frame that happened that  
25 he got more into his religion?

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1 A Probably like 2010.

2 Q Do you remember about the last time that you lived with  
3 Mr. Abdul Kareem?

4 A The beginning of 2015.

5 Q Can you narrow it down to a particular month?

6 A Around March.

7 Q Was there a reason that you moved out that particular  
8 occasion?

9 A Just fights, arguments.

10 Q Did you get into an argument about money?

11 A Yes.

12 Q What did that center on?

13 A Like bills, work, and --

14 Q Were you working for him at that point in time?

15 A Yes.

16 Q Was he paying you consistently?

17 A Yes.

18 Q And did you have other sources of income?

19 A I do -- go work with my dad.

20 Q And did you pay him rent when you were living with him?

21 A Not all the time.

22 Q And so did you have disputes over rent money?

23 A Yes.

24 Q Did you meet a friend of Mr. Abdul Kareem's named Ibrahim?

25 A Yes.

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1 Q Did you know that person's true name as well?

2 A Yes.

3 Q What was his true name?

4 A Elton Simpson.

5 Q I'm going to place on the document camera Exhibit 77 which  
6 is already in evidence.

7 Do recognize the picture on the screen there next to  
8 you?

9 THE COURT: It's upsidedown.

10 MR. KOEHLER: Oh. Thank you.

11 BY MR. KOEHLER:

12 Q Do you recognize the picture of that individual?

13 A Yes.

14 Q Who is that?

15 A Elton Simpson. Ibrahim.

16 Q Did he have another friend that you knew that would come  
17 over with Ibrahim?

18 A Yes.

19 Q What was that person's name?

20 A Soofi.

21 Q And I now show you what's been marked -- or what's in  
22 evidence as Exhibit No. 76.

23 Do you recognize that photo?

24 A Yes.

25 Q Who is that?

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1 A Soofi.

2 Q Do you remember about when Mr. Abdul Kareem started  
3 hanging around with Ibrahim, Elton Simpson?

4 A I would say it was around like 2012. I didn't talk to him  
5 for like a year or two. And when I came back around him, I  
6 had moved -- helped him move out of an apartment that the feds  
7 had actually just kicked in?

8 Q What apartment was that?

9 A It was off -- it was a townhouse off the I-17 and  
10 Northern.

11 Q Do you remember the street name by chance?

12 A No.

13 Q Do you know who he was living with at that apartment?

14 A I just know he was living with Ibrahim and another guy. I  
15 don't know who else was living there with him. I just helped  
16 him move.

17 Q Okay. But you knew that apartment had gotten raided and  
18 he moved?

19 A Yes.

20 Q Did he tell you who the target of the raid was?

21 A No.

22 Q Did he say anything about anything that was taken during  
23 the course of the raid?

24 A Like laptops.

25 Q Do you remember what year this was?



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1 A I think it was 2002 -- I mean 2012.

2 Q So I want to fast-forward a little bit, more toward the  
3 2014 time frame.

4 Did you notice a change in --

5 Well, number one, before I get there, was this person  
6 Soofi or Soofi as you pronounce his name, was he around during  
7 that time frame?

8 A I didn't start seeing him till probably like -- I would  
9 say like six months before the incident.

10 Q Okay. And when you talk about "the incident," are you  
11 talking about the Garland, Texas, attack?

12 A Yes.

13 Q Okay. So if that happened in May, would you then say it  
14 happened sometime in November the year before?

15 A Yes.

16 Q Okay. At some point in 2014 or earlier, did you notice a  
17 change in Mr. Abdul Kareem's behavior when it came to his  
18 practice of Islam?

19 A Yes.

20 Q And can you explain that to the jury?

21 A Just like radical behavior on how he would speak about  
22 people that weren't Muslim.

23 Q Did he have a name for people that weren't Muslim?

24 A Yeah. He called them kafirs.

25 Q And did he say what should happen to those people?

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1 A Yes.

2 Q What would he say?

3 A He would say like -- like the crazy things that -- what  
4 if -- you didn't know him, it would probably make you  
5 uncomfortable, like wanting to blow kafirs up and he would  
6 yell "Allahu akbar" while he did it.

7 Q Was there a time around the end of 2014 when you  
8 constructed some sort of an explosive device?

9 A Yes. It was New Years Day. We were blowing up -- I was  
10 taking apart fireworks and putting them in like two liter  
11 water bottles and putting them in like empty milk containers  
12 and I was blowing them up in the middle of the street so the  
13 neighbor kids could see, like, something better than what  
14 their little fireworks were doing.

15 Q And were you still living with Mr. Abdul Kareem at this  
16 time?

17 A Yes.

18 Q Was he there when you were doing this?

19 A Yes.

20 Q What about Ibrahim?

21 A I don't -- not for all of it.

22 Q For some of it?

23 A Yeah.

24 Q Did Mr. Abdul Kareem show any interest in this?

25 A Yeah. He thought it was pretty neat.

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1 Q And did he later ask you about other types of explosives?

2 MR. MAYNARD: Objection, Judge. Leading.

3 THE COURT: Overruled. You may answer "yes" or "no."

4 THE WITNESS: Yes.

5 BY MR. KOEHLER:

6 Q What did he ask you?

7 A He asked me if I knew where to get pipe bombs or how to  
8 make pipe bombs.

9 Q Did Mr. Kareem have any guns in his apartment to your  
10 knowledge?

11 A Yes.

12 Q What kind of guns did he have?

13 MR. MAYNARD: Objection, Judge, to the foundation as  
14 to time.

15 THE COURT: Sustained.

16 BY MR. KOEHLER:

17 Q During the time frame of the fall of 2014 and into the  
18 spring of 2015, did you observe firearms in Mr. Kareem's  
19 residence?

20 A Yes.

21 Q What kinds of firearms did you observe in his residence?

22 A There was an assault rifle, handguns, and a gauge -- a  
23 shotgun.

24 Q Do you remember what size shotgun it was?

25 A I believe it was a 12 gauge.

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1 Q And can you tell us what calibers of handguns you  
2 observed?

3 A Like 380 revolvers, a 45, nine's, 9 millimeters.

4 Q You mentioned 380 revolvers. Did he also have other 380  
5 firearms?

6 A He had a -- he had a 357 that was around for a while.

7 Q And I asked you about 380s. Did he have other 380s  
8 besides the revolver that you mentioned?

9 A Two that were around for a little -- one came around, one  
10 disappeared, and another one came around.

11 Q And can you describe what those guns looked like?

12 A One was like jet black. The other one was like wood-grain  
13 handle and gun metal gray.

14 Q So the metal part of it was, you said, gun metal gray?

15 A Yeah, like silver.

16 Q Did he keep ammunition around for these firearms during  
17 this time frame?

18 A Yes.

19 Q Did you go ever shooting with him or see him go shooting  
20 with or people?

21 A Yes. We've been shooting before and he would go shooting  
22 with the two, Elton and Soofi, and we would sometimes shoot in  
23 the backyard.

24 Q Did you ever go anywhere with them specifically?

25 A We went to Mesa Table Road a couple times.

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1 Q Okay. And can you give an approximate area where that is  
2 in relation to the Phoenix metro area?

3 A It's like northeast.

4 Q If you were to leave the Valley, what town would you be  
5 going toward if you went there?

6 A You would be going towards Show Low.

7 Q Okay. And when you went --

8 Do you know a friend of his by the name of Sergio  
9 Martinez?

10 A Yes.

11 Q Was Sergio along on those trips?

12 A No.

13 Q How many times did you go?

14 A Twice.

15 Q Did he also go other times without you?

16 A A lot, yes.

17 Q Do you know what day of the week they would go?

18 A Usually after what they -- Jumu'ahs, their church, after  
19 their church on Fridays.

20 Q What time would they get out of church on Fridays?

21 A Like 2:30.

22 Q In the afternoon?

23 A Yes.

24 Q Now, I'm going to move on to January of 2015.

25 Did you become aware of a terrorist attack that

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1 happened in Paris, France?

2 A Yes.

3 Q Do you remember what the attack was about?

4 A It was about people drawing the Prophet Muhammad.

5 Q And what happened in Paris, do you know?

6 A They ran into Paris and shot the people that drew the  
7 pictures of the Muhammad.

8 Q Did you see the news of that on TV?

9 A Yes.

10 Q Where were you when you saw that news?

11 A We were in the house watching TV.

12 Q Whose house?

13 A D's.

14 Q Okay. Who else was there with you?

15 A It was me -- me, D, Daniel, Elton, and Soofi. We were  
16 all -- they were like in the living room area and me and  
17 Daniel were standing in the -- like the kitchen where it  
18 meets.

19 Q What was their reaction?

20 A Pissed.

21 Q What do you mean?

22 A Like upset what had happened to their Muslim brothers over  
23 there because you're not supposed to draw the Prophet  
24 Muhammad.

25 Q And so what was the reaction of D, Ibrahim, and Soofi to

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1 the news that these people had conducted this attack in Paris  
2 on that -- on the magazine?

3 A They were -- well, they were upset and they were mad that  
4 their Muslim brothers had gotten killed over trying to avenge,  
5 I guess, their Prophet. And they said that it wasn't right.

6 Q Did they talk about what they might do about that here?

7 MR. MAYNARD: Objection. Leading.

8 THE COURT: Sustained.

9 BY MR. KOEHLER:

10 Q Did they express their feelings about what they might do  
11 going forward?

12 MR. MAYNARD: Objection. Leading.

13 THE COURT: Overruled. You may answer.

14 THE WITNESS: They said that -- that they needed to  
15 get revenge for their brothers. And then they started talking  
16 about like something big happening on the West Coast.

17 BY MR. KOEHLER:

18 Q Did there come a time when D. asked you again about  
19 explosives?

20 A Yes.

21 MR. MAYNARD: Leading.

22 THE COURT: Overruled. The answer "yes" will stand.

23 BY MR. KOEHLER:

24 Q What did he ask you?

25 A He just asked me if I could -- if I knew anybody who made

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1       them and how big of an explosive they would need to like take  
2       down the Cardinal Stadium.

3       Q     Did he talk about any locations aside from the Cardinal  
4       Stadium itself?

5       A     Westgate.

6       Q     And what is Westgate?

7       A     It's a place over by the Cardinals' Stadium where a lot of  
8       people go to party and like hang out.  It's like, I guess, a  
9       shopping center you would call it, or outlet, like a little  
10      mall, outlet.

11      Q     You mentioned these trips to go shooting in the desert  
12      near what you called Mesa Table Road.  Were those trips to go  
13      do the shooting before or after the Paris event?

14      A     They were after.

15      Q     Did there come a time when you had a conversation with Mr.  
16      Abdul Kareem about bulletproof vests?

17      A     Yes.

18      Q     Can you tell us about that conversation?

19      A     He just asked me if I knew where to get any and he had  
20      already had one on hand.

21      Q     Did he have one that you had seen before?

22      A     I hadn't seen it.  He had showed it to me.  It was like a  
23      camouflage one and I had an all-black one that was too small.

24      Q     So you had an all-black one that was too small and he had  
25      a camouflage one?



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1 A Yes.

2 Q Where did he store his camouflage one?

3 A It was just sitting on top of his safe.

4 Q Where did he keep his safe?

5 A In his bedroom closet.

6 MR. KOEHLER: Your Honor, may I approach the witness?

7 THE COURT: Yes.

8 BY MR. KOEHLER:

9 Q Do you recognize what's been placed in front of you and  
10 marked as Exhibit No. 115?

11 A Yes.

12 Q What is it?

13 A It's the bulletproof vest he had on top of his safe.

14 Q Did he already have that vest at the time of this  
15 conversation?

16 A Yes.

17 Q So let's talk about your time with Mr. Abdul Kareem.

18 On a daily basis would you spend time with him?

19 MR. MAYNARD: Objection to the form of the question  
20 as to time, Judge.

21 THE COURT: Let's give it some time -- not "this."  
22 Let's give it a time.

23 BY MR. KOEHLER:

24 Q During the time frame we've been talking about from the  
25 fall of 2014 through the spring of 2015 while you were still

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1 living with him, did you spend time with him on a daily basis?

2 A Yes.

3 Q Did you ever observe him to listen to anything on the  
4 radio in his car?

5 A Yes.

6 Q What would you hear him listen to on the radio in his car?

7 A He liked listening to this Islamic speaker.

8 Q At some point did you know the name of the Islamic  
9 speaker?

10 A Kumar.

11 Q I'm sorry?

12 A Kumar.

13 Q Okay. And did Mr. Abdul Kareem ever tell you what  
14 happened to that speaker?

15 A That he was killed.

16 Q Did he say who killed him?

17 A He didn't tell me who killed him. He just told me he was  
18 killed because of his beliefs and that he was a really good --  
19 like preacher to their people.

20 Q Was this person on the radio or how was he hearing him?

21 A It was like on CDs.

22 Q How many of those CDs did you see?

23 A He had about -- about six of them.

24 Q In the car?

25 A Yes.

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1 Q Did he listen to them at home as well?

2 A Mainly just in the car.

3 Q Did there come a time at which you got into an argument  
4 with Mr. Abdul Kareem about Islam?

5 A A few times, yes.

6 Q Why would you get in arguments with him about Islam?

7 A Because he tried to push his religion on everybody that  
8 would come over.

9 Q Did he try to push it on you?

10 A Yes.

11 Q Did he ever talk to you about the choice between life in  
12 Islam and life not in Islam?

13 A Pretty much that I would go to the hell fire if I wasn't  
14 Muslim.

15 Q Did there come a time after the Paris event that you heard  
16 something about a contest in Texas?

17 A Yes.

18 Q Where did you first hear about a contest in Texas?

19 A In the same -- the same area where we had saw the Paris  
20 incident on the news and I believe it would be the living room  
21 where the fireplace was.

22 Q How did you find out about the contest?

23 A It was through Elton Simpson. He had came over and was  
24 telling D about it.

25 Q And were you in the room when he was telling him about it?

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1 A Yes.

2 Q Do you recall what kind of contest it was?

3 A It was a Muhammad's art contest.

4 Q Did they talk about their feelings about the contest?

5 A Yes. They were upset about it, that it shouldn't be done  
6 in that -- it was like a sin to draw Muhammad and how us as  
7 kafirs don't care about their religion.

8 Q Did someone say something about doing something about the  
9 contest?

10 A Yes.

11 Q Who said what?

12 A Elton had brought it up that they should go there and make  
13 a stand and show them that we -- that we can't just disgrace  
14 their god in any way we please and D pretty much agreed with  
15 him.

16 Q Did he say anything specific in response to what  
17 Mr. Simpson said?

18 A He said, you know -- they both just pretty much like  
19 agreed upon some type of revenge and some type of stand for  
20 their brothers.

21 Q Did you ever hear the word "ISIS" used in your presence?

22 A Yes.

23 Q Can you tell us how it came up?

24 A There was a thing on the news about ISIS. And it was me,  
25 Daniel, and D. We were sitting in the living room. And D

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1 started telling us that he was a part of ISIS. And we  
2 thought -- like we thought it was kind of funny at first, you  
3 know, and then D started getting really crazy about it.

4 Q When you say "getting really crazy about it," what do you  
5 mean?

6 A Like really intense about how he would speak about it.

7 Q Okay. Did you see any videos or hear any audios or  
8 anything like that that tied into all this?

9 A Yes. D and Elton would spend a few hours on -- I wouldn't  
10 say every night -- but every other night he would come over  
11 and he would watch like gorish videos about like terrorist  
12 attacks or supposed U.S. military gunning down Muslims for no  
13 reason. And they would watch this for like a few hours a  
14 night and they would go back and forth on like a next -- like  
15 a next fire.

16 Q Were they watching videos?

17 A Yes.

18 Q Without talking about necessarily the brand, what type of  
19 device? Is it a computer screen? A cell phone? A tablet?  
20 What are you talking about?

21 A A tablet.

22 Q Can you describe some of the specific things that you saw  
23 in these videos?

24 Did you see the videos yourself?

25 A Not all of them, but I would -- they showed me a couple of

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1       them, like one of a guy getting beheaded and then some of like  
2       hostages being shot.

3       Q     When you saw the hostages being shot, how were they  
4       dressed?

5       A     Like -- probably just like normal, like some of them like  
6       we are, some of them like hostages, like they had the same  
7       clothes on.

8       Q     Did you see any people dressed like you?

9               MR. MAYNARD:  Objection.  Leading.

10              THE COURT:  Overruled.  You may answer "yes" or "no."

11              THE WITNESS:  A couple times.

12       BY MR. KOEHLER:

13       Q     When the people were being shot, was it like one person --

14              THE COURT:  And by "dressed like you," did you mean  
15       to describe dressed in orange?

16              MR. KOEHLER:  Yes.  I suppose I should make that  
17       clear for the record.  The witness is dressed in an orange  
18       jumpsuit.

19       BY MR. KOEHLER:

20       Q     When watching the videos of people being shot, were the  
21       people who were being shot alone or were they in groups.

22       A     Sometimes the people that were actually getting shot  
23       sometimes were alone, sometimes they were in groups.  It just  
24       depends on what video they had up.

25       Q     Would they talk about things while watching these videos?

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1 A They would say pretty much, you know, like that's what  
2 they deserve. That those, you know, that's what happens when  
3 you mess with the Muslims. Well, pretty much when you mess  
4 with ISIS, you know, ISIS doesn't play.

5 Q Was D part of these conversations?

6 A Yes.

7 Q Did he also say these things?

8 A Yes.

9 Q Did you ever hear a reference to the word "Khalilfah"  
10 inside the apartment?

11 A Yes.

12 Q What did you think when you heard that word "Khalifah"?

13 A That it was a rapper at first.

14 Q Do you remember who was talking about it?

15 A I believe it was Elton that spoke on it first.

16 Q And did D join in the conversation?

17 A Yes.

18 Q Do you remember what he said by chance?

19 THE COURT: Which one?

20 BY MR. KOEHLER:

21 Q D.

22 A I believe he started talking about that it was the --  
23 they're like their priest that got shot, the guy that they  
24 gunned down.

25 Q Okay.

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1 A That his beliefs were like the right beliefs but people  
2 had found it too -- like too chaotic to preach.

3 Q Did Mr. Abdul Kareem show you videos like that on his cell  
4 phone as well?

5 A Yes.

6 Q Do you recall any particular video that he showed you on  
7 his cell phone?

8 A It was like a car bomb going off. It was a lot of  
9 destruction.

10 Q Do you remember seeing any videos involving American  
11 journalists?

12 A I don't know if they were American journalists, but they  
13 looked American.

14 Q Or reporters?

15 A They looked like they were Americans, yes.

16 Q Okay. Can you describe the videos that you saw where you  
17 thought the person looked American?

18 A This guy that got his head cut off, he looked pretty  
19 American to me.

20 Q Who showed you that video?

21 A They were both watching it.

22 MR. KOEHLER: If I can have just a moment. I want to  
23 make sure I'm in the right place.

24 THE COURT: You may.

25 BY MR. KOEHLER:



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1 Q I want to circle back to the announcement of the contest  
2 in Texas. You mentioned that they were upset.

3 Specifically, was D upset?

4 A Yes.

5 Q Was there anything visual that you could observe that told  
6 you that he was upset?

7 A Like his movements, like just the way his body language  
8 was, how he got like excited in his voice about it.

9 Q Okay. And his facial expression?

10 A Same.

11 Q And you mentioned earlier that he asked you about pipe  
12 bombs; is that correct?

13 A Yes.

14 Q Did he ask you only once about that?

15 A No. He asked me several times in the same instance like  
16 asking me about if I knew of anyone that could get like  
17 silencers as well, while asking me about pipe bombs later on.

18 Q All right. And then I want to circle back to going  
19 shooting on Fridays.

20 Who would go shooting on Fridays after Jumu'ah?

21 A It would just be him, Elton Simpson, and Soofi.

22 Q Also, I asked you about ammunition for firearms.

23 Do you recall seeing shotgun shells in the apartment?

24 A Yes.

25 Q What kind of shotgun shells did you see?

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1 A Red 12 gauges.

2 Q All right. I'm going to show you what's already in  
3 evidence as Exhibit 376. Do you recognize that?

4 A Yes.

5 Q What is it?

6 A It's an assault rifle.

7 Q Have you seen it before today?

8 A Yes.

9 Q Where did you see it?

10 A At the house.

11 Q At whose house?

12 A D's house.

13 Q Did it have that drum magazine on it when you saw it?

14 A No.

15 Q How do you recognize that gun?

16 A By just the outlay of it, the handle on it. It's got a,  
17 pistol-grip handle and the muzzle flair on it on the tip.

18 Q And the full stock?

19 A Yes.

20 Q What about this exhibit which is 377 also in evidence?

21 And just for the record, the next several I'm showing  
22 will all be in evidence.

23 A Yes.

24 Q And from where do you recognize that?

25 A It was in the back of Elton's -- Elton Simpson's car in

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1 his trunk.

2 Q How many times did you see that?

3 A I saw it once in the trunk and another time they had come  
4 into the house with them wrapped up in like prayer rugs.

5 Q Now, moving to 378, I'll zoom in a little bit on that.

6 Did you ever see that firearm before?

7 A Yes.

8 Q When?

9 A When it was in my possession for an little while.

10 Q Are you sure that it was that one?

11 A No. Not that one, actually.

12 Q Okay. Had you seen that one before?

13 A Yes.

14 Q When?

15 A When it had got purchased.

16 Q Do you know where it got purchased?

17 A From a mutual friend.

18 Q Okay. Who is the mutual friend?

19 A Efrain.

20 Q Okay. What about this firearm?

21 And for the record, this is 379.

22 A Yes.

23 Q Where had you seen that before?

24 A It's the first one that D had started carrying around  
25 before he had got a black one that matches that one.

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1 Q So he had this one and then he had what?

2 A The same exact one, just jet black.

3 Q Okay. And is there something about this one that makes it  
4 unique and recognizable to you?

5 A The symbol on the side at the top on like the back.

6 Q Okay. Anything about the grip itself?

7 A It's a wood grain.

8 Q I want you to look a little closer at that.

9 Does that handle look like wood to you?

10 A It does to me.

11 Q Okay. Is there anything on the grip itself that --

12 A The golden plaque.

13 MR. MAYNARD: Leading.

14 THE COURT: Mr. Maynard, if you sit back in your  
15 chair and you don't sit at the microphone and you don't say  
16 the word "objection," I really don't have anything to respond  
17 to even if I hear you and the answer has already been given.

18 BY MR. KOEHLER:

19 Q What about that stands out to you?

20 MR. MAYNARD: Objection. Leading.

21 THE COURT: Overruled. You may answer.

22 THE WITNESS: About the plaque?

23 BY MR. KOEHLER:

24 Q Yes.

25 A That it's a -- it's like pretty much the only shiny thing

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1 on the side of the gun.

2 Q And how do you recognize that?

3 A Because I have held the gun.

4 Q For how long?

5 A Long enough to shoot it.

6 Q Okay. Where did you shoot it?

7 A In the backyard.

8 Q Had you seen it any other time other than the time you  
9 shot it in the backyard?

10 A Yeah. He carried it around for a few weeks.

11 Q And when you say "he," to whom are you referring?

12 A D. D had it for a few weeks.

13 Q Where did he carry his gun?

14 A He had that one in like a shoulder holster.

15 Q And then you said he got a different gun after that?

16 A Yes.

17 Q What was the other gun?

18 A The same exact gun, just black.

19 Q So it didn't have this little emblem right there?

20 A No. It just has it on the top.

21 Q When you say "the top," go ahead and circle it.

22 I guess he can't reach.

23 THE COURT: He can't reach it.

24 BY MR. KOEHLER:

25 Q Are you talking about this spot?

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1                   My touch screen is not working. I'll just point.

2                   Are you talking about that right there?

3       A     Yes, the Taurus symbol.

4       Q     The what symbol?

5       A     The Taurus symbol.

6       Q     Taurus.

7                   Now, moving to 381 also in evidence, had you ever  
8       seen that rifle before?

9       A     Yes.

10      Q     Where did you see that?

11      A     At the house.

12      Q     Whose house?

13      A     D's house.

14      Q     Do you know who that belonged to?

15      A     I believe it belonged to Soofi.

16      Q     After you had heard these conversations about the contest  
17      in Texas, did you have conversations with D about that contest  
18      going forward?

19      A     Yeah. He kept saying that they were planning on going and  
20      doing something. And I kept telling him that he should not be  
21      a part of it, that it wasn't worth his life.

22      Q     What was his response to that?

23      A     I don't think he listened to me a lot.

24      Q     Was there a day that you got a ride from him over to a  
25      friend's house?

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1 A Yes.

2 Q Who was the friend?

3 A Nick. Nicholas Loving.

4 Q Was anyone else with you when you got that ride?

5 A My girlfriend at the time, Amber.

6 Q During the ride, did you talk to D about the contest?

7 A Yes.

8 Q What did he say?

9 A He just said that -- that they were going to do something  
10 over there and that they didn't say like -- they didn't tell  
11 me that they were going to shoot it up, but they said that  
12 they were going to go there and, you know, make a stand.

13 And I kept telling him that, you know, he had a lot  
14 to live for and he should not do anything like that. And, you  
15 know, we had work coming. And, you know, I cared about him.  
16 He was my friend. And he just said, you know, there's things  
17 that have to be done.

18 Q Did you have a later conversation with him in which you  
19 learned he changed his mind?

20 A Yes.

21 Q When did that happen?

22 A It was -- we were sitting out front of the house. It was  
23 after I got the -- I got this Suburban. And he started  
24 telling me that he didn't think he could go through with it.  
25 And that's when I started telling him like, you know, it's

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1 crazy. He shouldn't do stuff like that. And let -- you know,  
2 get influenced by a religion like that. I kept trying to tell  
3 him he had stuff to live for.

4 Q About how long before the event itself did that occur?

5 A I would probably say like a month-and-a-half, a month.

6 Q So early April?

7 A Yes.

8 Q Did he say anything about Simpson and Soofi changing their  
9 mind or anything?

10 A No. He just kept saying they were going to go through  
11 with it.

12 Q When the event occurred, did you see news about it?

13 A Yes.

14 Q Where were you when you saw the news?

15 A I was in a weekly apartment.

16 Q Was anyone with you when you saw the news?

17 A Yes. My girlfriend Amber was with me.

18 Q What was your reaction when you saw the news?

19 A I was shocked, you know, like disbelief that it's  
20 something that actually happened and I knew the two guys that  
21 went and did it.

22 Q Did you decide to do something about it?

23 A Well, yeah. At first I called him and asked -- I called D  
24 and asked him, you know, what happened. And he just said that  
25 they martyred them in the street for no reason. And then he



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1 said it was -- first he said it was like something to do with  
2 the cartels and then he just said the police had gunned them  
3 down.

4 Q And he said for no reason?

5 A Yeah.

6 Q Did you, after that, decide to call law enforcement?

7 A Yes.

8 Q And how did you make contact with law enforcement?

9 A Through -- first through like a hotline, and then second,  
10 through the ATF that had came and talked to me anyways about  
11 some gang members that had shot at me.

12 Q Okay. So ATF was coming to visit you because you had  
13 earlier made a police report?

14 A Because I had got shot out on 17th Avenue and Peoria and I  
15 had chased them down in my truck till the police had showed  
16 up.

17 Q And then the ATF came to talk to you about that?

18 A Yes.

19 Q And did you tell ATF what you knew?

20 A Yes.

21 Q And then what happened?

22 A Then the federal agents came and talked to me the  
23 following day.

24 Q At the time that you had these conversations with the ATF  
25 and the FBI, were you facing any of the charges that you're

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1 facing right now?

2 A No.

3 Q Did anyone offer you any money or anything for giving  
4 information to the FBI at that point?

5 A No.

6 Q Did the FBI later pay you to make some recorded phone  
7 calls to Mr. Abdul Kareem and others?

8 A Yes.

9 Q How much money were you paid, do you recall?

10 A Now I can't recall.

11 Q Was it \$500?

12 A I believe so, yes.

13 Q Did that happen after you gave all of your statements to  
14 the FBI about what you knew?

15 A Yeah. It was long after.

16 Q Has anyone made you any promises in connection with the  
17 charges that you are facing over in state court right now?

18 A No.

19 Q Has anyone told what you to say here today?

20 A No.

21 Q Anyone try to put words in your mouth?

22 A No.

23 Q Has anyone told you what any of the other witnesses in  
24 this case have to say?

25 A No. I didn't know there was other witnesses.

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1 MR. KOEHLER: No further questions at this time.

2 THE COURT: Mr. Maynard.

3 CROSS EXAMINATION

4 BY MR. MAYNARD:

5 Q Mr. Verdugo, we've not met, have we?

6 A No.

7 Q Okay. And you've never spoken to me, correct?

8 A No.

9 Q But you have spoken to members of the FBI on at least a  
10 couple of occasions; is that correct?

11 A Yes.

12 Q Okay. The first time you talked to somebody from ATF on  
13 March 5th or 6th?

14 THE COURT: Did you mean May?

15 BY MR. MAYNARD:

16 Q May 5th or 6th?

17 A Yes.

18 Q Okay. And then after that conversation, you spoke to  
19 somebody from the FBI?

20 A Yes.

21 Q You told us just a moment ago you called the hotline?

22 A Yes.

23 Q Okay. And did you have an understanding when you called  
24 the hotline that if you gave a tip that was useful, there  
25 might be some money that would be paid?

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1 A No.

2 Q Okay. You just did it out of the goodness of your heart?

3 A Yes.

4 Q Okay. Let's talk for a minute about the time period when  
5 you lived with -- you call him "D"; is that correct?

6 A Yes.

7 Q All right. Now, you've told us when you first met him  
8 about ten years ago. But the first time you moved in with him  
9 would have been either late 2012 or early 2013; is that right?

10 A Yes.

11 Q And when you moved in with him the first time, did you  
12 move in by yourself?

13 A Yes. I think the first time I did move in by myself.

14 Q You didn't have a girlfriend that was living with you?

15 A Not when I first moved in.

16 Q And were there other people that were living there besides  
17 D?

18 A When I first moved in there was me, D lived there, and  
19 there was another guy that lived there. I think Muhammad  
20 lived there the first time.

21 Q Do you remember a Tobias Appleberry?

22 A Tobias? No.

23 Q Do you remember a Josh Appleberry?

24 A They moved out the day I moved in.

25 Q Okay. And did you have a girlfriend at the time named

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1 Janine?

2 A Yes.

3 Q Okay. And did she eventually move in with you?

4 A Yes.

5 Q And how long did she live there with you?

6 A I think the whole time I stayed there.

7 Q Okay. So you and Janine actually had a bedroom to  
8 yourselves, correct?

9 A Yes.

10 Q All right. And during the time period that the two of you  
11 were living there, do you remember an individual by the name  
12 of Ricky Meechum moving in?

13 A Yes.

14 Q And he was a Native American gentleman?

15 A Half, yes.

16 Q Half? Okay. He was not a Muslim, correct?

17 A No.

18 Q All right. And how long do you remember that Ricky  
19 Meechum lived there?

20 A Ricky lived there for probably like six months.

21 Q And so you were living there for a year -- approximately a  
22 year with Janine. Ricky is living there at least six months  
23 during that same time period, correct?

24 A Yes, but other people had lived there before he did, like  
25 Muhammad lived there before Ricky moved in.

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1 Q Okay. Anyone else you can remember?

2 A Billy.

3 Q Is that Billy Elliott?

4 A He's a black man. I don't know.

5 Q Did you call him Black Billy?

6 A Yeah. We did call him Black Billy.

7 Q And he was living there also?

8 A He lived there after Ricky had moved out.

9 Q Okay. Do you remember anyone else?

10 A Lupe. He stayed there for a while.

11 Q And Lupe was a friend of yours?

12 A Well, a mutual friend.

13 Q And what is his real name? Is it Guerrero?

14 A Yeah.

15 Q Anyone else you can recall?

16 A Efrain stayed there for a while on the couch. Efrain  
17 Ochoa. And --

18 Q And Efrain, he was Hispanic?

19 A Yes.

20 Q He wasn't a Muslim?

21 A No.

22 Q And Ricky Meechum wasn't a Muslim, correct?

23 A No.

24 Q And Billy Eldridge, Black Billy, he wasn't a Muslim, was  
25 he?

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1 A Yeah, he was.

2 Q He was a Muslim?

3 A Yes.

4 Q Did he have an Islamic name that you recall?

5 A No. He just went by Black Billy.

6 Q Okay. And at some point after approximately a year living  
7 there, did you move out for some time period?

8 A Yes.

9 Q And did you then move back --

10 Well, let's see if we can get the times right.

11 Did you move out around the end of 2013 or the first  
12 part of 2014?

13 A Yes.

14 Q And then did you move back in May of 2014?

15 A Yes.

16 Q And did you move in that time with a woman by the name of  
17 Mia.

18 A That's my daughter's name.

19 Q Okay. Did you --

20 A Me and my kids -- I was living there first. And then my  
21 kids' mom Lupe and my son Joey and my daughter Mia had came to  
22 stay.

23 Q So you, your two children, and your children's mother came  
24 to live with you?

25 A Yes.

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1 Q And so you were living there now from approximately May of  
2 2014 through June of 2014, about a month?

3 A No. It had to be earlier than that because we had gotten  
4 into an argument over money when I bought a truck. And he  
5 threatened to call the cops on me if I didn't move out in five  
6 minutes because he thought I was holding money back from him.

7 So it was the beginning of 2014 because my kids' mom  
8 and us had just got an income tax check and I just bought a  
9 white Suburban and it caused a big conflict between me and  
10 him.

11 Q Okay. Well, let's see if we can set the time frame.

12 When you were living there with Janine, you lived  
13 there for almost a year. And do you believe you moved out  
14 around the first part of 2014?

15 A We moved out, I would say, around like Christmastime.

16 Q Okay. And then you move in -- is it before you got your  
17 income tax refund?

18 A Yes.

19 Q Or was it after?

20 A It was before.

21 Q Okay. And do you remember when you got that? Do you  
22 think you got it in March or April or?

23 A I don't know. I believe we got it in March.

24 Q Okay. And that's when you moved in with your children's  
25 mother and your two children?



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1 A Yeah. I was already living there. She had -- I brought  
2 her down here from Anaheim, California.

3 Q And she moves in with you and lives with you for  
4 approximately a month, correct?

5 A About.

6 Q And is there a point in time when she is living with you  
7 and you're there with your two children when the police come  
8 to the residence?

9 A Yes.

10 Q And was it -- did you have an understanding that they came  
11 because her mother had called them?

12 A I believe so.

13 Q Okay. And were there allegations of domestic violence  
14 involved that caused the police to come?

15 A No. Her mom just thinks I'm dangerous.

16 Q And did she move out soon thereafter the police came?

17 A No. That's when we had bought the truck and got an  
18 apartment.

19 Q So you and your children and your children's mother,  
20 though, you only stayed at D's place for a month or two in  
21 2014; is that correct?

22 A It was just not even a month because we had got the income  
23 tax check and I bought the truck. And we had gotten into an  
24 argument over money. And he thought I had spent all my money  
25 on the truck and he didn't let me finish. And he was like

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1 going through some stuff and he told me to get out. So I  
2 packed my kids' stuff and my stuff and I got out.

3 Q All right. So you were there for a year from 2013 --  
4 through most of 2013. And now we're in the middle of 2014 and  
5 you have been there for approximately a month with your  
6 children and your children's mother, correct?

7 A Yes.

8 Q Okay. And then you all move out. And then you move back  
9 in a third time with him, correct?

10 A Yes.

11 Q And the third time, do you move in with Janine again?

12 A Yeah. I think Janine came with me when I -- when I -- no.  
13 Actually, when I came back, I actually had a girl Stephanie  
14 with me. And then I broke it off with her. And then like a  
15 few weeks later I started picking Janine up from work and  
16 bringing her over.

17 Q All right. And so when you're living there now with  
18 Stephanie and then Janine, were there others that were living  
19 in the house too?

20 A When we came back, I believe -- yeah. When I came back  
21 that time Billy was living there.

22 Q I'm sorry?

23 A Billy was living there at that time.

24 Q Do you remember a person by the names of Charles Bibb?

25 A Oh, yeah, Charles. Charles moved in -- Charles -- yeah.

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1 Charles lived there before Billy. He lived in the room Ricky  
2 had stayed in.

3 Q Okay. And Charles Bibb was the son of Mr. Mubarak,  
4 correct?

5 A Yes.

6 Q Do you know Mr. Mubarak?

7 A Yes.

8 Q And how do you know him?

9 A Through D.

10 Q Excuse me?

11 A Through D.

12 Q Okay. Did you ever have any business dealings with  
13 Mr. Mubarak?

14 A Yeah. I fixed his car a couple times.

15 Q Okay. Was he happy with the way you fixed his car?

16 A All except one time.

17 Q Okay. Now, when you moved back in this third time, would  
18 it have been in the fall of 2014?

19 A It was like right before -- right before June.

20 Q So you're there from maybe March for a couple of weeks,  
21 you move out, and then you come back in about June of 2014?

22 A Or July. One or the other. I don't recall which one for  
23 sure. But it was either July -- around July 4th, because  
24 that's when I was -- I had a month-to-month lease on my  
25 apartment and I had some stuff that went down there and I

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1 moved back in with D.

2 I was doing a job for him and we had -- I had a bunch  
3 of his equipment in my truck.

4 Q At this time did you and D, again, get in some other  
5 argument or something and you moved out with either Stephanie  
6 or Janine, whoever you happened to be with at that time?

7 A Yeah. I moved out with Janine.

8 Q And that would have been before the end of 2014, correct?

9 A It was -- it was only for like a month or two.

10 Q So you came in July and then you move out in either the  
11 latter part of August -- or August or September, correct?

12 A We had like probably mid -- mid September.

13 Q Okay.

14 A But I had moved back in before November because I had  
15 problems with Janine, so.

16 Q Did you move back in right around Christmas of 2014?

17 A A little before it.

18 Q Just before Christmas but after Thanksgiving?

19 A No. I was there for Thanksgiving.

20 Q I'm sorry?

21 A I was at the house for Thanksgiving.

22 Q And you were actually living there at that time?

23 A Yes.

24 Q Okay. And then did you stay for the first couple of weeks  
25 in January?

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1 A I stayed a little bit longer than that.

2 Q Do you recall that when you left, did you have a truck at  
3 the time?

4 A Yes.

5 Q And had -- were you concerned that that truck might be  
6 repossessed?

7 A No.

8 Q Did you -- were you concerned that somebody was out  
9 messing with your truck and that's what caused you to leave  
10 that last time?

11 A No. I wasn't worried about anyone messing with my truck.

12 Q What caused you to leave the last time?

13 A Because me and D got in an argument and he pulled a gun on  
14 me.

15 Q So this would have been in January, February? When is  
16 this? 2015?

17 A It was -- it was a little -- I think it was a little  
18 either before or after my birthday. But we had gotten into an  
19 argument and --

20 Q Well, just give me the date.

21 THE COURT: When is your birthday?

22 THE WITNESS: March 4th.

23 THE COURT: March 4th. So it was some place around  
24 March 4th?

25 THE WITNESS: Yes.

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1 BY MR. MAYNARD:

2 Q Okay. Now, you've told us in direct examination you met  
3 Mr. Soofi about six months before the Garland incident; is  
4 that correct?

5 A Yes. Around -- it would have been around Thanksgiving  
6 when I had moved back in in early November.

7 Q Okay. But you had known Ibrahim or Elton Simpson quite  
8 some time before that?

9 A Yes.

10 Q Okay. And, in fact, had you and Ibrahim ever gotten into  
11 an argument or a fight?

12 A We got into an argument a few times.

13 Q Did you ever get into a fight? Did you ever punch him?

14 A No.

15 Q Do you recall that when the government -- strike that.

16 The first time that you met with FBI agents, how many  
17 agents were there?

18 A I believe it was two.

19 Q And did they video or audio tape you?

20 A No, not that I recall.

21 Q Do you recall that they prepared a report? It's referred  
22 to sometimes as a "302," but do you recall seeing a report?

23 A No. They just kind of -- just had asked me questions off  
24 the top of their head and I gave them answers.

25 Q To put this in context, after that meeting -- and we'll

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1 get back to it in a little bit -- but to prepare for your  
2 testimony today, didn't you meet with the U.S. Attorney and  
3 didn't you meet with the FBI agent in the jail?

4 A In the jail?

5 Q Yes.

6 A No.

7 Q Where did you meet with them?

8 A I had met with them here.

9 Q They brought you here to the courthouse?

10 A Oh, yeah. I mean, no. I did meet with them two times  
11 while I was in lower -- LBJ.

12 Q Lower Buckeye?

13 A Lower Buckeye Jail to see if I would testify.

14 Q Right. They came to meet with you, correct?

15 A Yes.

16 Q And they gave you a copy of the 302 report to review for  
17 accuracy. Do you recall that?

18 A We went over it. They didn't give me a copy.

19 Q Okay. But they gave it to you to read or did they read it  
20 to you?

21 A They read it to me.

22 Q And you only had one change to make. Do you recall that?

23 A I don't recall what change it was, no.

24 Q Okay. But you were with them for several hours as they  
25 read the report to you and then asked you further questions

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1 about you testifying today?

2 A Yes.

3 Q All right. Did they show you anything other than the  
4 report?

5 A No.

6 Q Did they talk to you about the guns that were --

7 A Oh, yeah. They had showed me pictures of the guns before  
8 that, yes.

9 Q So the pictures of the guns that you saw today and you  
10 told this jury about, this wasn't the first time you had seen  
11 those pictures today, was it?

12 A No.

13 Q Okay. And did they audio and videotape you when they read  
14 you the 302 and showed you the pictures of the guns?

15 A It was two separate occasions and I don't think so.

16 Q Okay. You're referring to two separate occasions.

17 When was the last time you met with either an FBI  
18 agent or somebody from the U.S. Attorney's Office?

19 A When I had -- was brought down here Wednesday. They just  
20 told me that I was brought by accident and I went back to  
21 where I'm being held.

22 Q When was that?

23 A Wednesday of this week.

24 Q Okay. And did you meet with an FBI agent or an Assistant  
25 U.S. Attorney?



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1 A I believe that the assistant attorney.

2 Q And how long did you meet with him at that time?

3 A We spoke for only like two minutes. He just had to  
4 apologize that they had brought me down here.

5 Q Okay. So it wasn't at that time that he showed you  
6 something. It was the time at Lower Buckeye Road when he read  
7 you the 302 and showed you the pictures of the guns, correct?

8 A Yes.

9 Q Okay. Let me see if I can help refresh your recollection.

10 I want to show you a page from the 302 that the  
11 government, I believe, showed you.

12 MR. KOEHLER: Objection to the characterization of  
13 the witness's testimony. The witness testified that it was  
14 read to him.

15 MR. MAYNARD: That the government read to him. I  
16 apologize.

17 THE COURT: Can you zoom in a little bit on the part  
18 you want him to look at so it's a little bigger?

19 There's a button on the top.

20 MR. MAYNARD: I'm not too good. Oh. It's on the  
21 top. Oh. Okay.

22 BY MR. MAYNARD:

23 Q All right. I'm going to direct your attention -- and can  
24 you read this to yourself? I've put my finger on it and I  
25 just ask you to read it to yourself to see if this helps

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1 refresh your recollection.

2 Mr. Verdugo, have you had a chance to read those two  
3 or three lines?

4 A Yes.

5 Q Okay. Do you recall now that -- whether or not you got  
6 into a fight and punched Mr. Simpson?

7 A No.

8 Q Do you recall that you told the FBI that you had punched  
9 Mr. Simpson -- or Ibrahim?

10 A No. I just said we had a confrontation.

11 Q You had a what?

12 A A confrontation.

13 Q When did you have the confrontation with Ibrahim?

14 A One night when me and Daniel were standing out front  
15 and --

16 Q Can you give me an approximate date? Start with the year.

17 A It was probably around -- it was around Christmastime of  
18 2014 and --

19 Q So in Christmas of 2014, this is after you've moved in for  
20 the fourth time?

21 A It was around Christmas.

22 Q Okay.

23 MR. KOEHLER: Your Honor, I'm not sure what the  
24 relevance of the point of whether he did or did not punch  
25 Ibrahim.

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1 THE COURT: There is no question before the witness,  
2 Mr. Koehler, so if that was intended to be an objection,  
3 please make it if there's a question.

4 BY MR. MAYNARD:

5 Q Now, you told this jury earlier today on direct  
6 examination that you made two trips with Soofi and Ibrahim and  
7 D out shooting, correct?

8 A Yes.

9 Q And can you tell the jury when those were, when those  
10 trips took place?

11 A They were sometime after the incident had happened in  
12 January.

13 Q The incident that happened in January?

14 A Well, the shooting that -- the shooting incident in  
15 France.

16 Q Okay. Sometime after the shooting in France, whenever  
17 that happened, there were two separate times that you then  
18 went with Soofi and Ibrahim and D out shooting in the desert?

19 A Yes.

20 Q Okay. Was there anyone else that went with you?

21 A No.

22 Q Okay. Do you know Sergio Martinez?

23 A Yes.

24 Q Did you ever go to Sergio Martinez's house to shoot?

25 A No.

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1 Q And the date that you went shooting with Soofi, Simpson,  
2 and D, was that on a Friday?

3 A No. It was -- I believe the first time was on a Saturday.

4 Q And when was the second time?

5 A It was sometime during the week.

6 Q Okay. And the four of you just got in the car and you  
7 guys went out shooting?

8 A Well, no. I mean, it goes -- it's deeper than that, but.

9 Q Are were you able to tell the FBI where this shooting took  
10 place up near -- what was it? Table Mesa Road, I think you  
11 said?

12 A Yes.

13 Q Did you tell them where it was?

14 A Yes.

15 Q Did they tell you whether or not they had ever gone out  
16 there to see if there was any shells or any indication that  
17 you, Soofi, Simpson, and D had gone out shooting there?

18 A I mean, it's a popular spot. There would be shells  
19 everywhere.

20 Q That wasn't the question.

21 The question was: Did the FBI tell you they had gone  
22 out to look for the spot that you had told them that you had  
23 gone shooting with these three individuals?

24 MR. KOEHLER: Objection. Hearsay.

25 THE COURT: I'm sorry. I didn't hear you, Mr.

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1 Koehler.

2 MR. KOEHLER: Objection. Hearsay.

3 THE COURT: Overruled. You may answer "yes" or "no."

4 THE WITNESS: No.

5 BY MR. MAYNARD:

6 Q Did you ever tell the FBI that there were others that went  
7 out shooting other than Simpson, Soofi, and D?

8 A There's been others.

9 Q Okay. And was Abdullah Mubarak one of those others that  
10 went out shooting with them?

11 A Yes.

12 Q And do you remember when Mr. Mubarak went out shooting  
13 with them?

14 A It wasn't with them. It was just like D, Abdullah Mubarak  
15 and Sergio going to Sergio's dad's. That was before the  
16 shooting in France.

17 Q So you, Abdullah Mubarak --

18 A No, not me.

19 Him, D, Abdullah Mubarak, and Sergio, those three.

20 Q So D, Abdullah Mubarak, and Sergio went shooting sometime  
21 before the shooting in France at D's?

22 A They went to Sergio's dad's. It's something he does quite  
23 frequently.

24 Q Okay. And, in fact, you told the government that Sergio  
25 Martinez kept many guns for D, correct?

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1 A Yes.

2 Q The government was asking you today how many guns D had  
3 and you told this jury how many.

4 You've told them in the past he had a .50-caliber?

5 A Yes.

6 Q And you told them -- but you didn't tell the jury today  
7 about that. How come?

8 A I wasn't asked.

9 Q Oh. And you've told the government in the past that he  
10 had numerous AKs, correct?

11 A No.

12 Q Not just the ones we have pictures of, but there were more  
13 AKs than that that he had?

14 A He has a lot of weapons.

15 Q He have rocket launchers?

16 A I don't know if he has rocket launchers.

17 Q Does he have grenades?

18 A Not that I believe.

19 Q Now, you told the government initially that this group of  
20 individuals, Soofi and Simpson and D and others had been going  
21 out shooting in the desert for at least three years every  
22 Friday, didn't you?

23 A I said they had been going out and shooting. It's  
24 something D has always done for more than three years. He's  
25 always gone out shooting.

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1 Q That's not my question, sir.

2 Didn't you tell the government that Soofi, Simpson,  
3 D, and other Muslims went out every Friday after Jumu'ah for  
4 the past three years?

5 A Him and Simpson did. D and Simpson.

6 I don't know if Soofi tagged along --

7 MR. MAYNARD: There's no question pending.

8 Just a moment, Your Honor. I apologize.

9 THE COURT: I think we'll take our break.

10 Ladies and gentlemen, we will take a 15-minute  
11 recess. We will reconvene at about a quarter to 3:00.

12 You are reminded again of the admonition not to  
13 discuss the case among yourselves or with anyone else.

14 Please do not form any conclusions about the case  
15 until you have heard all the evidence and begun your  
16 deliberations.

17 Court is in recess until 2:45.

18 MR. KOEHLER: Before we break, can I have a moment  
19 with Your Honor?

20 THE COURT: Yes. I'll excuse the jury at this time.

21 (Open court, no jury present at 2:31 p.m.)

22 THE COURT: Why don't you give Mr. Verdugo a  
23 15-minute break too?

24 Okay. Mr. Verdugo, you can step down and we will  
25 bring you back in in about 15 minutes.

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1 Mr. Koehler?

2 MR. KOEHLER: Yes, Your Honor.

3 I don't want to have to keep standing up to object,  
4 but one of the issues that I'm seeing in the questioning is  
5 that Mr. Maynard is asking Mr. Verdugo about statements he  
6 made to the FBI that are not part of what we asked him on  
7 direct examination.

8 THE COURT: I am not limiting --

9 MR. KOEHLER: Those statements --

10 THE COURT: I'm not limiting the cross to the scope  
11 of direct because I don't want any witnesses to have to come  
12 back if we can take their testimony now.

13 So if that's what you're referring to, if you  
14 objected that the cross exceeded the scope of direct, I would  
15 not --

16 MR. KOEHLER: That's not my objection.

17 THE COURT: Okay. Well, what is it then?

18 MR. KOEHLER: My objection is that he's asking him  
19 about hearsay statements that he's made to the FBI without  
20 asking him about the event first.

21 THE COURT: Well, maybe you should make an objection,  
22 Mr. Koehler.

23 MR. KOEHLER: I'm informing the Court now, because it  
24 just started. And I wanted to alert the Court to the issue  
25 that I will be standing up to object. But I don't want to



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1 have to do it repeatedly in front of the jury.

2 THE COURT: I'm sorry, but I can't --

3 Unless Mr. Maynard repeatedly asks the same kind of  
4 question to which I have sustained several objections, I can't  
5 in advance tell Mr. Maynard that I'm going to sustain an  
6 objection to a question he has not asked.

7 So you must object in front of the jury.

8 MR. KOEHLER: Well, I will.

9 THE COURT: If that happens.

10 MR. KOEHLER: I'm just alerting the Court that it's  
11 coming.

12 THE COURT: Thank you. Court is in recess.

13 (Recess taken at 2:33 p.m.; resumed at 2:46 p.m.)

14 (Open court, jury present.)

15 THE COURT: Thank you, ladies and gentlemen. Please  
16 sit down. The record will show the presence of the jury,  
17 counsel, and the defendant.

18 Mr. Maynard, you may continue your cross-examination.

19 **CROSS EXAMINATION (cont'd)**

20 BY MR. MAYNARD:

21 Q Mr. Verdugo, did Ibrahim and Soofi go shooting ever Friday  
22 after dinner for three years?

23 THE COURT: Don't look at what's on the screen. He's  
24 asking you -- just -- the question is --

25 Why don't you repeat it?

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1 BY MR. MAYNARD:

2 Q Did Soofi, Simpson, and D go shooting every Friday after  
3 dinner for three years?

4 A No.

5 Q Did you ever tell anybody that?

6 A They misunderstood what I said. It was three months.

7 Q Oh. The government misunderstood it? Whoever wrote the  
8 302?

9 A Whoever wrote it must have thought I said "years" but I  
10 said "months."

11 Q And you didn't correct it when they read it to you?

12 A I didn't hear it.

13 Q You didn't hear it?

14 A No.

15 Q Okay. Now, who was in the group of Muslims that would go  
16 shooting?

17 THE COURT: You mean who else besides the three that  
18 you have been asking him about?

19 MR. MAYNARD: Yes, ma'am.

20 THE WITNESS: Abdul Mubarak, Muhammad went with them  
21 a couple times, and that's just what I know from who left from  
22 the house.

23 BY MR. MAYNARD:

24 Q Do you know an individual by the name of Abdul Khabir?

25 A Yes.

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1 Q Was he part of this group?

2 A Yes.

3 Q Did D ever try to sell you an AK47?

4 A No.

5 Q Did you ever tell anybody that D tried to sell you an  
6 AK47?

7 A It wasn't D. It was Ibrahim -- I mean, not Ibrahim. It  
8 was Efrain.

9 MR. MAYNARD: Can I show this to refresh his  
10 recollection?

11 THE COURT: He hasn't expressed any inability to  
12 recall. He says it was Ibrahim that asked if he wanted to buy  
13 one.

14 BY MR. MAYNARD:

15 Q Did you ever tell anybody that it was D that tried to sell  
16 you an AK47?

17 A No.

18 Q Okay. Let me show you page 12 of your 302 -- the 302 and  
19 look at this paragraph. Do you see where it starts "Stefan."

20 Read that to yourself.

21 A It was supposed to be Efrain because Efrain was the one  
22 who tried to sell it.

23 Q So the government got that one wrong too; is that right?

24 A Yes.

25 Q Okay. And you've told us -- you told this jury earlier on

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1 direct examination that Ibrahim actually came to you and asked  
2 you to either help him make a pipe bomb or make a pipe bomb  
3 for him. Do you recall that?

4 A Or buy one. Or if I knew anywhere to get them.

5 Q And when did Ibrahim do that?

6 A It was around the time that I was making the little, like,  
7 plastic bombs in the front yard with the water bottles and  
8 stuff.

9 Q Well, let's talk about that for a minute.

10 It was -- I believe you said it was on New Years Day.  
11 Was it actually New Years Eve?

12 A Yes. Or at midnight.

13 Q Okay. And fireworks in Arizona are mainly sparklers and  
14 twirly things but not exploding things, correct?

15 A Yes.

16 Q And so you and D had gone to a place and had bought a  
17 bunch of fireworks to set off for the kids in the  
18 neighborhood; isn't that right?

19 A Yes.

20 Q And what you did was you took some of the powder out of  
21 some of these sprinklers or sparkly things and you put it into  
22 a two gallon -- or two liter jug; is that correct?

23 A Yes.

24 Q And then you put a fuse in there and you lit the fuse?

25 A Yes.

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1 Q And that caused an explosion or a pop?

2 A Yes.

3 Q Correct?

4 And because you were able to do that, Ibrahim then  
5 asked you, could you make him a pipe bomb because of that; is  
6 that correct?

7 A Well, Ibrahim and D both asked me if I knew how to make a  
8 pipe bomb that night.

9 Q Okay. And what did you say?

10 A I said yeah.

11 Q You knew how to make a pipe bomb?

12 A Yeah.

13 Q How did you learn how to make a pipe bomb?

14 A Just I come from a military family. It's just something I  
15 guess I learned.

16 Q People in your family make pipe bombs?

17 A No.

18 Q Had you ever made a pipe bomb before?

19 A Yeah.

20 Q And -- but you told them you would not make a pipe bomb  
21 for them?

22 A Yes.

23 Q Okay. And I want to be clear.

24 Did they ask you to make a bomb that would blow up  
25 the Cardinal Stadium?

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1 A Yes.

2 Q And do you have that capability, do you?

3 A No.

4 Q No? Okay.

5 What about Westgate Mall?

6 A No.

7 Q And when these fellows asked you to help them make this  
8 bomb, did it ever occur to you to call the police?

9 A Yeah.

10 Q But you didn't?

11 A Well, I didn't think they were serious.

12 Q You didn't?

13 A No.

14 Q And you didn't call the FBI?

15 A No.

16 Q Didn't call any form of law enforcement on them, correct?

17 A No.

18 Q Okay. And it's after they have asked you to do this that  
19 you've gone -- you go shooting with them on two occasions out  
20 at Table Mesa Road, correct?

21 A Yes.

22 Q Okay. Now, had they created some sort of a training  
23 center to train -- to learn how to shoot?

24 A Just setting up targets.

25 Q Okay. I mean, they had been going out on Friday

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1 afternoons for three years now, correct?

2 THE COURT: He said "months." He said that was a  
3 mistake --

4 MR. MAYNARD: Three months.

5 THE COURT: -- that was written in the report.

6 BY MR. MAYNARD:

7 Q Okay. They have been going out. Anybody ever talk to you  
8 about a training center or anything like that?

9 A No.

10 Q Okay. Were you considered to be a kafir or a kafir?

11 A A kafir.

12 Q And did they refer to you as a kafir?

13 A Yeah.

14 Q But yet they would ask you to make bombs, correct?

15 THE COURT: Let's not be cumulative, Mr. Maynard.

16 BY MR. MAYNARD:

17 Q All right. Now, you lived with D on four separate  
18 occasions between January of 2013 and March of 2015, correct?

19 A Yes.

20 Q And one of those periods was for almost a year, correct?

21 A It was for what?

22 Q Almost a year?

23 A Yes.

24 Q About a year.

25 And then the other times it was about a month each

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1 time?

2 A Well, just one time was a month.

3 Q Okay. Now, did -- during the time period that you lived  
4 with D, did he -- was he security conscious at his house?

5 A Yes.

6 Q And did he put in an alarm system?

7 A Like just ones on the door.

8 Q So when one would open the door, the alarm would go off?

9 A Yeah.

10 Q And did he put bars on the windows?

11 A Yes.

12 Q Did he boobie trap the house?

13 A He just had guns laying everywhere. That's pretty boobie  
14 trapped to me. He would place things in certain manners where  
15 he could see.

16 He would place the mirror in a certain way where he  
17 could see the rest of the house. He made sure that you  
18 couldn't get in the house or get out of the house.

19 Q But he didn't boobie trap the house, did he?

20 A Boobie trap the house?

21 Q Yes. Did you ever use that phrase?

22 Did you tell the government that he boobie trapped  
23 the house?

24 A Well, he would set like stuff up around the house to tell  
25 if you were in a certain part of the house or not. I would



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1 consider that to be boobie traps.

2 Q Now, you told us on direct examination that the government  
3 has not given you any incentives to testify today, correct?

4 A Yes.

5 Q Okay. When Mr. Koehler came to see you, he told you that.  
6 That was one of the first things he said to you when he came  
7 out to the Buckeye jail?

8 A Yes.

9 Q Did he, however, go on to tell you that the FBI agents  
10 were willing to give statements concerning your girlfriend and  
11 her demeanor and proximity to you when you had met with them?

12 A No.

13 Q Let me see if I can refresh your recollection. I'm going  
14 to show you a 302 from the meeting with you at West Lower  
15 Buckeye Road on or about December 17th of 2015.

16 And I would like for you to read the section I have  
17 got down there in yellow.

18 A They said that was something that was required by law that  
19 they had to do.

20 Q Have you read that already?

21 A Yeah. I know what you're talking about. But that's not  
22 something they told me that they would do for me. They said  
23 it was something that was required by law that they had to do.

24 Q So the fact that the agents were willing to give  
25 statements and talk to the County Attorney on your behalf,

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1 they told you was required by law?

2 A Yes.

3 Q So do you have an understanding that the FBI agents are  
4 planning to talk to the County Attorney on your behalf?

5 A No. There's just the report of what they had eye  
6 witnessed while they were around me and her.

7 Q Okay. And the allegations -- and I'm not going to ask you  
8 about specifically -- but they deal with a time period when  
9 you were actually having conversations with the FBI, correct?

10 A Yes.

11 Q Okay. Now, after you had talked to the FBI agents in the  
12 first part of May, you actually wore a wire on several  
13 occasions for the FBI, didn't you?

14 A Yes.

15 Q And the reason was for you to go to work with D and see if  
16 you could get some sort of information that would be helpful  
17 in their prosecution of him?

18 A Yes.

19 Q Okay. And you told us that you got paid \$500. What was  
20 the \$500 for?

21 A I honestly don't know.

22 Q Somebody just gave it to you? Said, here, we'll give you  
23 \$500?

24 A For -- they just -- they didn't tell me that they were  
25 going to give me the money or nothing. It was just pretty

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1 much, I guess, for the gas money it cost me to run around and  
2 do these things.

3 Q But you didn't have to buy the wire that you were wearing.  
4 You got that from the FBI, didn't you?

5 A Yes.

6 Q Okay. And when you -- after you had worn the wire, at  
7 some point did you leave the State of Arizona and go to  
8 California?

9 A Yes.

10 Q And were you arrested in California and extradited or  
11 brought back to Arizona?

12 A Yes.

13 Q Okay. When you came back to Arizona, did you make any  
14 calls to D for help?

15 A I asked him to call my father.

16 Q Okay. And after that happened, did you make any further  
17 calls to him from the jail?

18 A No. He didn't -- he didn't put money on his phone.

19 Q Do you know what his phone number is?

20 A It's been the same phone number for years.

21 Q Pardon me?

22 A It's been the same phone number for years.

23 Q And what is that number?

24 A 623-204-7295.

25 Q Let me see if I can refresh your recollection.

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1           Didn't you make 37 phone calls to him after you were  
2       arrested in the month of June?

3       A     That wasn't by me.

4       Q     It was somebody else from the jail?

5       A     There was something that was going on between the pod I  
6       was in and people wanting to talk to someone that knew me  
7       about my charges.

8       Q     These are inmate telephone system records.

9       A     I know.

10      Q     That show the calls that come out of the jail.

11      A     Yeah. They're from my booking number. I used my name and  
12      they were on the phone trying to figure out who I was.

13      Q     Prior to this arrest you have been arrested 17 times;  
14      isn't that correct?

15      A     Yes.

16           MR. KOEHLER: I'm going to object to this under  
17      608(b), Your Honor.

18           THE COURT: Mr. Koehler, I think I mentioned you have  
19      to object before the answer comes in, so there's no question  
20      before the witness.

21      BY MR. MAYNARD:

22      Q     When you -- between 2014 and 2015 up until the time that  
23      you were arrested, did you have the same phone number?

24      A     I don't believe so.

25      Q     Did you have multiple phone numbers?

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1 A Yes.

2 Q Can you tell me what those numbers were?

3 A No.

4 Q You don't remember what your phone numbers were?

5 A No, I don't.

6 Q Do you recognize the number 602-419-9802?

7 A No.

8 Q 602-419-9302?

9 A That was a phone number I had before I got arrested.

10 Q That one was?

11 A Yes.

12 MR. MAYNARD: Okay. May I have just a minute, Your  
13 Honor?

14 THE COURT: Yes.

15 BY MR. MAYNARD:

16 Q Today on both direct and cross-examination you mentioned a  
17 fellow by the name of Daniel. Is that Daniel Vanhook?

18 A Yes.

19 MR. MAYNARD: I don't have any further questions,  
20 Judge.

21 THE COURT: Mr. Koehler.

22 **REDIRECT EXAMINATION**

23 BY MR. KOEHLER:

24 Q I'm going to start with a couple of the easier ones.

25 During the early part of cross-examination

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1 Mr. Maynard asked you about an individual that he referred to  
2 as Black Billy?

3 A Yes.

4 Q Was there more than one Billy that knew at Mr. Abdul  
5 Kareem's apartment?

6 A Yes.

7 Q What was the other Billy's name?

8 MR. MAYNARD: Objection. It's beyond the scope.

9 THE COURT: Overruled. You may answer.

10 THE WITNESS: We just called him Billy. He was  
11 white.

12 BY MR. KOEHLER:

13 Q Did he get called White Billy?

14 A No.

15 Q And who was the person who gave this nickname Black Billy  
16 to the other Billy?

17 A D called him Black Billy, so we just all called him Black  
18 Billy. Like it didn't offend him or nothing.

19 Q So where did you learn the nickname?

20 THE COURT: I think he just answered that question,  
21 Mr. Koehler.

22 Ask your next question.

23 BY MR. KOEHLER:

24 Q Mr. Maynard showed you a sheet of paper a second ago and  
25 you said something about inmates checking you out and making

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1 phone calls. Can you explain what it is that you're talking  
2 about?

3 A Yeah. It's because of my charges. And my race kept  
4 wanting me to call somebody that could prove that my victim  
5 wasn't under age because I was having problems. I was getting  
6 into numerous fights over it.

7 And the one guy had noticed me dial the number and he  
8 kept making me call back and call back to try to get D on the  
9 phone to see if he would vouch for me that my victim wasn't  
10 under age.

11 Q Let's talk about this for a moment.

12 When these calls occurred, first off, when were you  
13 arrested and taken into custody on your charges?

14 THE COURT: Do you want to know about when he was  
15 arrested in California or when did he arrive in Arizona?

16 MR. KOEHLER: No. When he was arrested in  
17 California.

18 THE COURT: Okay.

19 THE WITNESS: I think it was the 21st.

20 BY MR. KOEHLER:

21 Q Of what month?

22 A May.

23 Q And when did you get to Arizona?

24 A June 4th.

25 Q To your knowledge, did anybody actually talk to D about

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1 what you wanted him to vouch for?

2 A No, because I ended up getting jumped over it.

3 Q What is "getting jumped"?

4 A I had four guys running on me while I was in my cell.

5 Q Beat you up?

6 A Kind of.

7 Q Mr. Maynard asked you about when Agent Whitson and I came  
8 to visit you in Lower Buckeye Jail. Do you recall that?

9 A Yes.

10 Q What were you told about why we were going to give the  
11 reports from the FBI about their observations of you and  
12 Amber?

13 A Because it's -- you said it was legally what you had to  
14 do.

15 Q And were you told whether we would do that regardless of  
16 whether you came here to testify?

17 A Yes. I was told that whether I would testify or not, it  
18 was an obligation that the FBI had to do. They had to turn  
19 their report in or not. It had nothing to do with me coming  
20 to testify.

21 Q Mr. Maynard asked you about your various times of living  
22 in the house. And one of the times talked about you and the  
23 mother of your children and your children living in the house.

24 A Yes.

25 Q How long were you there?



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1 A For approximately a month.

2 Q And why did you leave that time?

3 A Because I had showed up at the house -- I had bought a  
4 Suburban. And D was upset about it and he thought the money  
5 that I had got that I blew it all on the truck.

6 But I had didn't. I got the truck for like nothing  
7 because I know a guy that owns a dealership. And I was -- I  
8 came back to the house and my kids' mom was out eating with my  
9 sister and younger brother. And when I came back to the house  
10 he was in a rage.

11 Q He kicked you and your children out of the house?

12 A They weren't there at the time. He just told me to pack  
13 my -- he told me to pack my shit and get out or he was going  
14 to call the cops on me and have me arrested for the warrant he  
15 thought I had for driving on a suspended license.

16 Q Let's talk about people living at the house at the time  
17 you were living there.

18 Was D happy about all these people that were living  
19 in the house?

20 A Well, we worked for him. That's why they lived there.

21 Q Okay. And did he have other people coming to the house  
22 later that didn't work for him?

23 A Everybody that pretty much stayed at the house that wasn't  
24 Muslim worked for him. If you weren't Muslim and you lived at  
25 that house, you were working for him.

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1           The only Muslim that ever lived there that worked for  
2 him was a guy named Muhammad.

3       Q   Did he also have a couple of young boys that came to the  
4 house on occasion?

5           MR. MAYNARD:  Objection.

6           THE WITNESS:  Yes.

7           MR. MAYNARD:  Beyond the scope.

8           THE COURT:  Sustained.

9       BY MR. KOEHLER:

10      Q   Mr. Maynard asked you about Sergio Martinez.  Were you  
11 close friends with Sergio Martinez?

12      A   Not really.

13      Q   Did you socialize with him independently of D?

14      A   Sometimes when he would come over when I was out front  
15 smoking, we would sit there and talk while he waited for D to  
16 get ready.

17      Q   But, otherwise, would you like go to his house or go do  
18 things with him elsewhere?

19      A   No.

20      Q   Have you spoken to Sergio Martinez since May 3 of 2015?

21      A   No.

22      Q   Earlier Mr. Maynard asked you if you called the FBI when D  
23 and Ibrahim asked you about pipe bombs and silencers and so  
24 forth.

25           Why didn't you call law enforcement when they made

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1 these requests of you?

2 A Because, one, I didn't think neither of them were serious;  
3 and two, D was like, you know, drinking. So I thought it was  
4 just a joke, you know, like somebody, like, oh, my girlfriend  
5 cheated on me, let's go beat the dude up.

6 Just something he was kidding about. I didn't take  
7 it seriously. It's not every day you really think somebody  
8 wants you to make a bomb to hurt people.

9 Q You mentioned he was drinking. Did you ever see him drink  
10 around Ibrahim?

11 A No. He wouldn't drink around the other Muslims because  
12 it's not allowed.

13 Q Mr. Maynard also brought up the fact that you saw pictures  
14 of the firearms before today.

15 Prior to being shown the pictures of the firearms,  
16 did you describe the firearms?

17 A Yes. I was asked to describe the types of firearms that I  
18 had witnessed. And two that I described you guys had showed  
19 me photos of what I had described.

20 Q Did you recognize the firearms in the photos as soon as  
21 you saw them?

22 A Yes.

23 Q And are you certain that you recognize in particular the  
24 rifles?

25 A Yes.

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1 Q What about the Taurus revolver?

2 MR. MAYNARD: Objection. Asked and answered.

3 THE COURT: Sustained.

4 BY MR. KOEHLER:

5 Q Last thing I want to ask you about is Mr. Maynard asked  
6 you about an argument that you got into with Mr. Kareem or  
7 Abdul Kareem and you said that he pulled a gun on you?

8 A Yes.

9 Q What was that argument about?

10 A It had something to do with -- I had -- we had, a few days  
11 earlier, we had went to the bar and D had some confrontation  
12 with a guy. And I ended up fighting the guy in the parking  
13 lot.

14 And then me and D were arguing and he had hit me in  
15 the side of my face. And I told him -- they had separated us.  
16 And I don't know what caused him to get a gun, but he went  
17 into his room and grabbed his gun and pointed it at me in the  
18 living room. And everyone started yelling D -- Daniel and  
19 Lupe started yelling at him to, you know, put the gun away.

20 Q And then last question: Has anybody made you any promise  
21 whatever in order to get you to come here today and testify?

22 A No.

23 MR. KOEHLER: No further questions.

24 MR. MAYNARD: Your Honor, can I briefly ask another  
25 question on cross-examination?

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1 THE COURT: On cross-examination?

2 MR. MAYNARD: Or recross.

3 THE COURT: Well, we don't have recross, so it  
4 can't -- it would have to be something you forgot to ask him  
5 on cross.

6 MR. MAYNARD: It is.

7 THE COURT: And it would have to be just one  
8 question. So make sure you make it just one.

9 MR. MAYNARD: Just one?

10 THE COURT: Just one. We'll see.

11 **CROSS EXAMINATION (cont'd)**

12 BY MR. MAYNARD:

13 Q Did you ask Daniel Vanhook sometime after you moved out in  
14 March of 2015 to call D and ask if you could move back in with  
15 him because you were homeless at the time?

16 A No.

17 THE COURT: May this witness be excused, Mr. Koehler?

18 MR. KOEHLER: Yes, Your Honor.

19 THE COURT: Is there any objection, Mr. Maynard?

20 MR. MAYNARD: No.

21 THE COURT: Thank you very much, Mr. Verdugo. You  
22 may step down and you are excused as a witness.

23 And the government may call its next witness.

24 (End of excerpt of this proceeding.)

25 \* \* \*

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## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 3rd day of March, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE